# HR Liaisons & MLS Meeting with OHR & MCtime

# Families First Coronavirus Response Act (FFCRA)

Friday, July 10, 2020

Welcome to the Live Event. Please make sure your audio is turned on.

The meeting will begin shortly.



### Introduction

Berke Attila
Director, Office of Human Resources



### **Agenda**

- FFCRA: The Law Justin Nunley
- The County's Approach to FFCRA Steven N. Blivess
- FFCRA/EFMLA Request Process Johnna L. Bryant
- FFCRA and MCtime Timekeeping Heather Black & Lori Plazinski
- Question and Answer Session Moderated by Katie Kasunic



# Families First Coronavirus Response Act (FFCRA) The Law

Justin Nunley
Assistant County Attorney



### What is FFCRA?

- The Families First Coronavirus Response Act (FFCRA) is a Federal statute, effective on April 1, 2020, that requires the County to provide employees with emergency paid sick leave (EPSL) or expanded family and medical leave (EFMLA) related to COVID-19.
- FFCRA permits, but does not require, the County to exclude certain healthcare providers and emergency responders from eligibility for EPSL or EFMLA leave.
- The FFCRA expires on December 31, 2020, unless extended by Congress.



### **Emergency Paid Sick Leave (EPSL)**

- 80 hours of paid sick leave available immediately to all full-time employees.
- Part-time employees are entitled to paid sick leave in an amount equal to the number of hours they would work in a two-week period.
- If taken for the employee's own condition, paid at the employee's regular rate (not to exceed \$511 per day).
- If taken to care for a family member, paid at two-thirds (2/3) of the employee's regular rate (not to exceed \$200 per day).
- Available for any qualifying condition.



### **EPSL Qualifying Conditions**

- 1. A federal, state, or local quarantine or isolation order;
- 2. The advice of a healthcare provider to self-quarantine;
- An employee or family member experiencing symptoms and seeking a medical diagnosis;
- 4. Care for an individual subject to a quarantine or self-isolation order or who has received the advice of a healthcare provider to self-quarantine;
- 5. Care for a child due to a school or childcare closure; or
- 6. To the extent Federal regulations expand coverage.



### Who Is Eligible for EPSL?

- All employees are eligible.
- Except, the County may exempt emergency responders.
- In consultation with the Unions, the County is exempting emergency responders from the IAFF and FOP bargaining units from EPSL for childcare only. Further, these employees should not experience childcare closures as the State has ensured childcare was available for emergency responders.



### **Expanded Family Medical Leave (EFMLA)**

- Expansion of FMLA to add leave to care for a child (under age 18 or over 18 with a disability) due to a COVID-19 related school or childcare provider closure.
- Not an expansion of the total of number of available weeks under FMLA (12).
- Available to any employee employed for at least 30 days.
- First two weeks are unpaid, but the employee can substitute other leave, including EPSL, for the two unpaid weeks.
- The remaining ten weeks are paid at two-thirds the employee's regular rate of pay (not to exceed \$200 per day or \$10,000 total).



### Who Is Eligible for EFMLA?

- All employees who have worked for the County for at least 30 days are eligible for EFMLA, except the County may exempt emergency responders.
- Like EPSL, in consultation with the Unions, the County is exempting emergency responders from the IAFF and FOP bargaining units from EFMLA.
- It is important to be aware EFMLA is only available to one parent/guardian per household. If your spouse or child's co-guardian is using EFMLA to care for your child, you are not eligible.
- Additionally, you should know that EFMLA and FMLA come from the same 12-week leave balance. An employee does not get to take 12 weeks of EFMLA and an additional 12 weeks of FMLA. If you have exhausted your FMLA balance, you may not be eligible for EFMLA.



# The County's Approach to FFCRA

Steven N. Blivess
Acting Chief Labor Relations Officer



### County's Approach to FFCRA

• FFCRA took effect on April 1, 2020 and employees were eligible for the EPSL and EFMLA benefit as of that date. Requests for retroactive application of the FFCRA must be submitted by July 31, 2020.

 After consultation with the IAFF and FOP, first responders at FRS and MCPD shall not receive FFCRA benefits.

Unrepresented employees will receive the same benefit as MCGEO employees.



### County's Approach to FFCRA

 The MOAs signed with each union on April 3, 2020 provide for administrative leave at full pay for all FFCRA qualifying conditions, except for leave due to a childcare need.

FFCRA leave will be paid at the employee's regular rate of pay.

FFCRA leave may be used incrementally.



### County's Approach to FFCRA

- The first 80 hours of administrative leave for a condition covered by the MOA will be coded as EPSL leave except for high-risk (based on CDC guidelines) administrative leave, which is not an FFCRA qualifying condition.
- Employees may use EPSL leave to cover the first 2 weeks of unpaid EFMLA leave. If EPSL is exhausted or insufficient, the employee may use any available leave. If the employee has no leave, he may request leave from the sick leave bank or sick leave donor program. If no leave is available from the bank, administrative leave may be liberally granted on a case-by-case basis.



# FFCRA/EFMLA Request Process

Johnna L. Bryant

Program Manager, Occupational Medical Services



### **EFMLA Request Process**

- The County has expanded its FMLA online application system to include EFMLA requests.
- The online system requires employees to certify their request and validate their reason for EFMLA.
- The expanded system allows employees to submit their request to OMS for processing, review, and approval as with traditional FMLA.
- The expanded system will allow the County to track how many EFMLA applications are submitted and how many hours are used.
- While FFCRA allows EFMLA for children up to age 18, or disabled adult children that are
  not capable of self-care, IRS guidelines recognize that generally children over 14 are
  capable of caring for themselves. Therefore, if you are seeking leave to care for a child
  over 14, you will need to provide a brief of the description of the special circumstances why
  you need leave to care for the child.



### **Submitting EFMLA Requests**

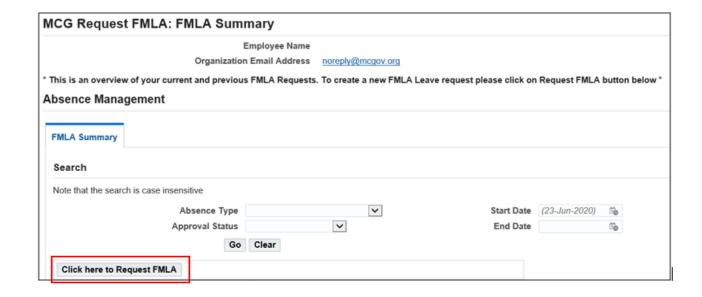
Log into the Access MCG ESS portal.

Click **HR Employee Self-Service** link.

Click on MCG Request FMLA



To submit a new request, click the button that says Click here to Request FMLA.





# **Submitting EFMLA – Enter Details**

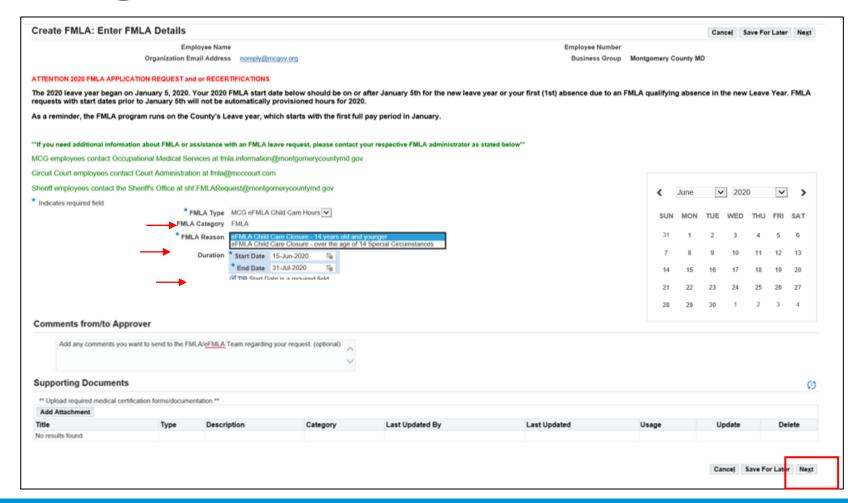
> Select FMLA Type:

MCG eFMLA Child Care Hours

Select eFMLA Reason:

eFMLA Child Care Closure - 14 years old and younger eFMLA Child Care Closure - over the age of 14 Special Circumstances

- Select Start and End Dates
- Comments are optional
- Click Next



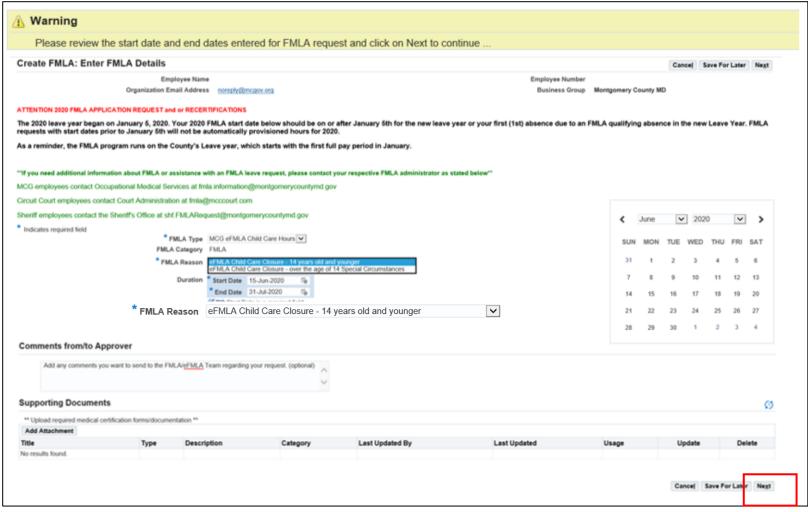


# **Submitting EFMLA – Review Page**

> Warning Message will appear

Review Information Entered

Click Next

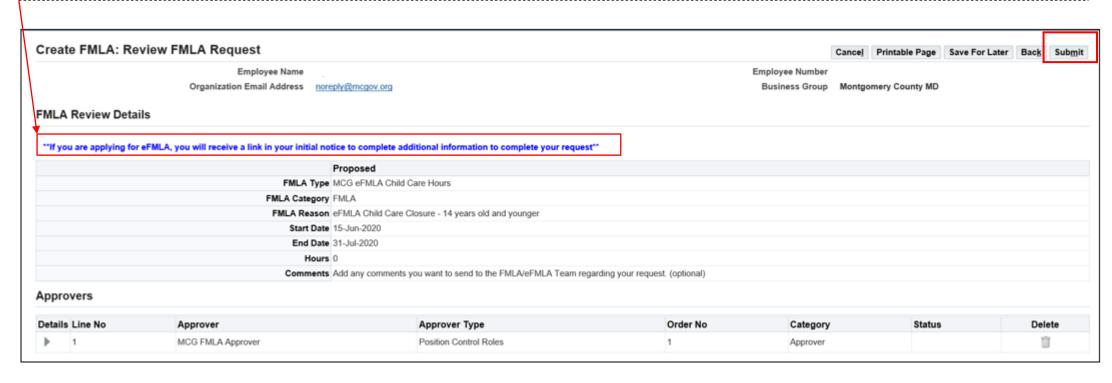




## **Submitting EFMLA – Summary Page**

Blue Message to Employee Appears on the Final Review Page

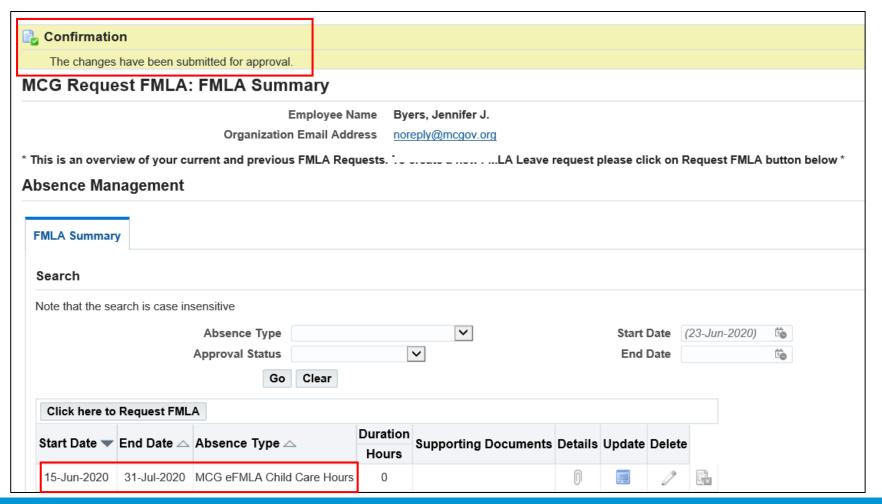
\*\*If you are applying for eFMLA, you will receive a link in your initial notice to complete additional information to complete your request\*\*



Click Submit if Information was entered correctly



# **Submitting EFMLA – Confirmation**





### **Submitting EFMLA – Initial Notice**

#### MCG eFMLA Initial Notice (Submitted Notice)



FMLAAdmin@app.montgomerycountymd.gov

To Employee@montgomerycountymd.gov

Cc FMLA Information; Employee Supervisor; HR Liaison

#### Dear Employee

On 02-JUL-2020 we received your notice of your need to take eFMLA leave due to the following reason:

eFMLA Child Care Closure - 14 years old and younger

To complete your submission, click on the link below to complete your request:

eFMLA Online

#### **Initial Notices generate overnight**

Employee must click the eFMLA Online link in the Initial Notice to complete their request.



# **Submitting EFMLA – Form/Certification**

### Information Requested in the Certification

- Have you worked for Montgomery County for 30 calendar days or more?
- Job Title
- Department
- Supervisor Name
- Phone Number
- Personal Email
- Child/Childrens Names & Ages
- Name and contact number of schools or places of care that are unavailable
- Special circumstances requiring care for any children over 14 years of age
- Beginning and End Dates Requested
- Type of Leave Requested; Block of Time, Intermittent, Modified Schedule





# **Submitting EFMLA – Form/Certification**

### Information Requested in the Certification (continued)

I am unable to work (or telework) or return to work for the following reason(s) due to an emergency with respect to COVID-19 declared by a Federal, State, or local authority. (check all that apply):

Son" or "daughter" means biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis, who is under 18 years of age; or is 18 years of age or older and incapable of self-care because of mental or physical disability. Children ages 15-17 require special circumstances for approval to take leave under Expanded FMLA.

- ✓ I need to care for my son or daughter under age 18 because my child's school has been closed due to COVID-19
- ✓ I need to care for my son or daughter under age 18 because my child's place of care has been closed or the childcare provider is unavailable due to COVID-19.
- ✓ I need to care for my son or daughter over age 18, who is incapable of self-care because of a mental or physical disability, because my child's place of care has been closed or the childcare provider is unavailable due to COVID-19.



## **Submitting EFMLA – Form/Certification**

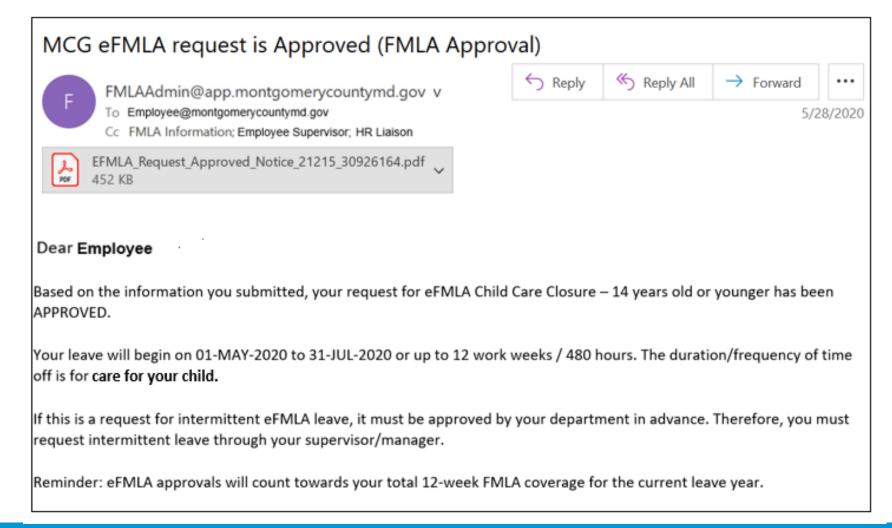
#### REQUIRED ACKNOWLEDGEMENTS

- I understand that by submitting this request, I represent that I am unable to work, or telework, due to a bona fide need for leave to care for my son or daughter whose school or child care facility is closed, or child care provider is unavailable, due to COVID-19 related reasons.
- I certify that no other person will be providing care for my child (or children) during the period being requested.
- I certify that all of the information I have provided on this form and in any accompanying document is true, complete and correct to the best of my knowledge and belief.

Employee must click each acknowledgement to complete their request.



### **Submitting EFMLA – Approval**





# FFCRA Timekeeping

Heather Black,
MCtime Manager
Finance

Lori Plazinski, MCtime HR Liaison Finance



Example 8 - EPSL Pay Code: **FFCRA - 80 Hours Paid Sick Leave** 

<u>Note:</u> In consultation with the unions, the County will extend EPSL and EFMLA provisions to MCGEO and unrepresented employees; these provisions will not be extended to first responders at FRS (IAFF) and MCPD (FOP).

- **8a)** Employee quarantined (pursuant to Federal, State, or local government order or on the advice of a health care provider)
- 8b) Employee or family member is experiencing COVID-19 symptoms and seeking a medical diagnosis, or
- **8c)** Employee has a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or on the advice of a health care provider).

The County provided Admin Leave – Other for these three reasons from (before) April 1 - July 4, 2020



Add Row	Pay Code	Transfer	Sun 7/05	Mon 7/06	Tue 7/07	Wed 7/08	Thu 7/09	Fri 7/10	Sat 7/11	Total
<u>+</u> ,	FFCRA – 80 Hours Paid Sick Leave 🗸	Q		8.0	8.0	8.0	8.0	8.0		40.0
			0.	0 8.0	8.0	8.0	8.0	8.0	0.0	40.0
Add Row	Pay Code	Transfer	Sun 7/12	Mon 7/13	Tue 7/14	Wed 7/15	Thu 7/16	Fri 7/17	Sat 7/18	Total
<u>+</u>	FFCRA – 80 Hours Paid Sick Leave 🗸	Q		8.0	8.0	8.0	8.0	8.0		40.0
			0.	0 8.0	8.0	8.0	8.0	8.0	0.0	40.0



Example 8 - EPSL Pay Code: FFCRA - 80 Hours Paid Sick Leave

<u>Note:</u> In consultation with the unions, the County will extend EPSL and EFMLA provisions to MCGEO and unrepresented employees; these provisions will <u>not</u> be extended to first responders at FRS (IAFF) and MCPD (FOP).

**8d**) Employee is unable to work because of a bona fide need to care for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19.

Note: Must use reason code: CHLDCARE

Add Row	Pay Code	Transfer	Sun 7/05	Mon 7/06	Tue 7/07	Wed 7/08	Thu 7/09	Fri 7/10	Sat 7/11	Total
±,	FFCRA – 80 Hours Paid Sick Leave 🗸	///CHLDCARE//		8.0	8.0	8.0	8.0	8.0		40.0
			0.0	8.0	8.0	8.0	8.0	8.0	0.0	40.0
Add Row	Pay Code	Transfer	Sun 7/12	Mon 7/13	Tue 7/14	Wed 7/15	Thu 7/16	Fri 7/17	Sat 7/18	Total
±,	FFCRA – 80 Hours Paid Sick Leave 🗸	///CHLDCARE//		8.0	8.0	8.0	8.0	8.0		40.0
			0.0	8.0	8.0	8.0	8.0	8.0	0.0	40.0



Example 8 - EPSL Pay Code: FFCRA - 80 Hours Paid Sick Leave

- Retroactive Application: Employees who want the EPSL FFCRA 80 Hours Paid Sick Leave applied in lieu of annual leave, sick leave, comp leave used or PTO for the period of Wednesday, April 1, 2020, through Saturday, July 18, 2020, can request to have their leave restored if personal leave was originally used for FFCRA eligible reasons.
- They must notify their timecard approver in writing no later than Friday, July 31, 2020. The
  department must submit timecard corrections to Payroll no later than Friday, August 14, 2020.
- The **FFCRA 80 Hours Paid Sick Leave** can be used in future pay periods until Friday, December 31, 2020.



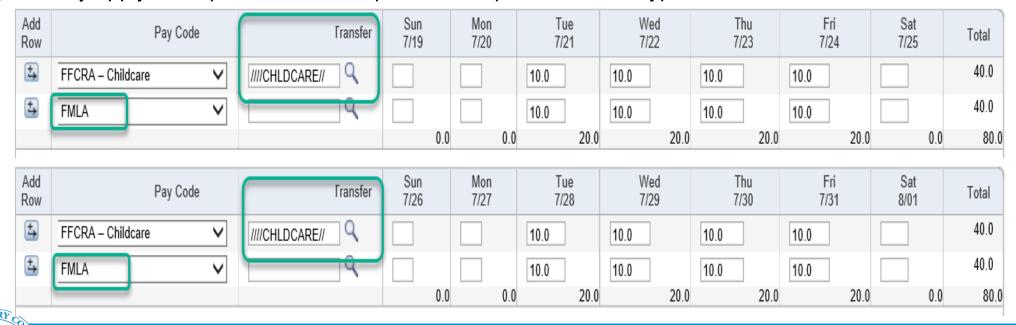
### **EFMLA = FFCRA - Child Care**

Example 9 - EFMLA Pay Code: **FFCRA - Child Care** 

**Note:** In consultation with the unions, the County will extend EPSL and EFMLA provisions to MCGEO and unrepresented employees; these provisions will <u>not</u> be extended to first responders at FRS (IAFF) and MCPD (FOP).

**Note**: Must use Reason Code: CHLDCARE

\*Employees may apply Example 8 in lieu of unpaid time or personal leave type



### **EFMLA = FFCRA - Child Care**

Example 9 - EMFLA Pay Code: **FFCRA - Child Care** 

- Retroactive Application: Employees who want the EFMLA FFCRA Child Care applied in lieu of annual leave, sick leave, comp leave used or PTO for the period of Wednesday, April 1, 2020, through Saturday, July 18, 2020, can request to have their leave restored if personal leave was originally used for FFCRA eligible reasons. Employees must enter the retroactive date in Oracle Employee Self Service (ESS) when appling for the EFMLA.
- They must notify their timecard approver in writing no later than Friday, July 31, 2020. The
  department must submit timecard corrections to Payroll no later than Friday, August 14, 2020.
- The FFCRA Child Care can be used in future pay periods until Friday, December 31, 2020.



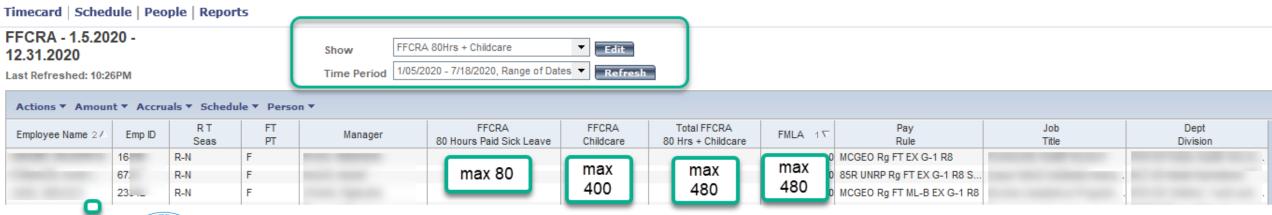
### **NEW MCTIME FFCRA TOOLS**

**NOTE:** MCGEO and unrepresented employees and temporary employees should exhaust the 80 hours of FFCRA Paid Sick Leave before being granted any additional Administrative Leave – Other, with reason code ADMCOVID.

**New HyperFinds** 

FFCRA – 80Hours Paid SickLeave FFCRA 80Hrs + Childcare FFCRA-80Hrs Paid Sick L > 80Hr FFCRA – Childcare

New Genie: (FMLA LY 1.5.2020 – 1.2.2021) (FFCRA – effective 4.1.2020 – 12.31.2020)



Office of Human Resources

### **Timecard Reminders**

- MCtime Informational Website: <a href="www.montgomerycountymd.gov/MCtime">www.montgomerycountymd.gov/MCtime</a>
  - Follow Timekeeping Memo appropriate to the Pay Period
  - Perform Pay Period Close Checklist (at Manager & Department level)
    - Meet Approval Deadlines
    - Ensure appropriate Hours Towards Schedule for ALL employees (FT employees –80 hours)
    - Review ON-SITE COVID Differentials in ADDITION to HOURS WORKED
    - Review FFCRA Genie
    - If entering the Project Task the Expenditure Org must be entered USE the CROSSWALK exports org and an applicable Reason Code
- Only IAFF/FOP Employees in Admin Leave- Other with reason code ADMCOVID
- Technical Issues use Compatibility Checks job aid or call the IT Help Desk at 240-777-2828



# **Q & A**

Moderated by Katie Kasunic



# **Thank You for Attending**

By meeting the needs and concerns of our workforce, HR Liaisons provide the critical support employees need to be successful.

This presentation will be posted on the Office of Human Resource's Employee Coronavirus News webpage:

www.montgomerycountymd.gov/EmployeeNewsCOVID19

For more information on Timekeeping, visit the MCtime Events - COVID-19 <a href="https://www.montgomerycountymd.gov/mctime/resources.html#Events">https://www.montgomerycountymd.gov/mctime/resources.html#Events</a>

For more information on EFMLA, contact <a href="mailto:FMLA.Information@montgomerycountymd.gov">FMLA.Information@montgomerycountymd.gov</a>

